

**September 27, 2018**

The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, September 27, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

**Call to Order:**

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Shelly Smede  
Councilmember Michelle Ziel-Dingman  
Councilmember Jim Freeman  
Councilmember Jim Francis  
Councilmember John Radford

Absent:

Councilmember Thomas Hally

Also present:

All available department directors  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

**Pledge of Allegiance:**

Mayor Casper invited Stephen Boorman, Idaho Falls Power (IFP) Assistant General Manager, to lead those present in the Pledge of Allegiance.

**Public Comment:**

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Pat Tucker, Idaho Falls, appeared. Ms. Tucker is proud of the Council for the proposal to ban cell phones. She believes this is an example for local control and an example to the State, she encouraged the State to follow suit. Ms. Tucker stated that cell phones present major problems when driving. She believes the text ban would allow closer scrutiny and will also save lives. She expressed her appreciation.

Mayor Casper clarified the Council is not considering a ban on cell phones, they are only considering a ban on the use of cell phones in a moving vehicle.

Marci Allen, Idaho Falls, appeared. Ms. Allen concurred with Ms. Tucker. She stated her son was recently killed in a vehicle accident. The individual who struck her son was speeding, he was talking into a phone, and he was smoking while driving. Ms. Allen stated that driving is not a right, it's a privilege and it impacts more than just your own life. Ms. Allen pleaded to do what is possible to keep kids safe. This is important and it matters.

Keith Daum, Idaho Falls, appeared. Mr. Daum shared his experience with a person who was on a cell phone while they were shopping. He indicated a person can get out of the way in that instance, but they cannot get out of the way if driving a car. He believes talking on a cell phone is a problem while driving a vehicle and, he believes that searching for contacts on a cell phone should be considered texting. Mr. Daum indicated he served on the Idaho Falls Police Department (IFPD) Citizen Review Committee (CRC) and this issue came up. He stated the committee was divided on this item. He indicated the police officers stated that cell phone use is difficult to enforce, he believes this proposal would make it easier for enforcement. He is supportive of the proposal.

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Roy Miller, Idaho Falls, appeared. Mr. Miller stated that as a veteran he is speaking on behalf of those who can't speak for themselves and for those who rely on other veterans and family members to speak for them. He feels the Prisoner of War/Missing in Action (POW/MIA) flag is a reminder that we will never forget those that haven't come home. He requested the City continue to fly the POW/MIA flag.

**Consent Agenda:**

Municipal Services requested approval of insurance contracts for Workers Compensation for 2018/2019; and, transformer purchases for Idaho Falls Power.

Public Works requested approval of Bid Rejection – Well Meter Installation Citywide – 2018; and, Snow Removal Funding Resolution.

The City Clerk requested approval of minutes from the August 9, 2018 City Council Meeting; and, license applications, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

**RESOLUTION NO. 2018-22**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING SUFFICIENT FUNDING FOR YEARLY SNOW REMOVAL FOR THE CITY; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

**Regular Agenda:**

**Community Development Services**

**Subject: Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances and Reasoned Statements of Relevant Criteria and Standards, 6.394 acres, NE ¼ Section 7, T 2N R 38E**

For consideration is the application for Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances and Reasoned Statements of Relevant Criteria and Standards, 6.394 acres, NE ¼ Section 7, T 2N R 38E. The Planning and Zoning Commission considered this item at its September 11, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property is currently vacant land. Annexing this property would allow curb cut off of Holmes, taking into consideration what the Bonneville Metropolitan Planning Organization (BMPO) has for its Access Management Plan. This annexation will provide access for both parcels under the same ownership. This is a Category A annexation, requested by property owner.

Councilmember Francis questioned annexations stepping into the higher education campus land. Councilmember Radford requested clarification of the designation use as Higher Education Center (HEC).

Community Development Services Director Brad Cramer clarified HEC is included on the Comprehensive Plan although there is not a specific HEC Zone. Zones used in HEC areas include Research & Development (R&D) and Industrial & Manufacturing (I&M). These zonings refer to the various Idaho National Laboratory (INL) facilities. Director Cramer believes the highest concern is preserving land for future growth of the INL and Idaho State University (ISU) regarding the proximity to the Snake River. He stated it's not unusual to see I&M Zoning in this part of the Comprehensive Plan.

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It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing 6.394 acres, NE ¼ Section 7, T 2N R 38E, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

**ORDINANCE NO. 3219**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 6.394 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for 6.394 acres, NE ¼ Section 7, T 2N R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of “Higher Education Centers” and to approve the ordinance establishing the initial zoning for 6.394 acres, NE ¼ Section 7, T 2N R 38E as I&M Zone, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

**ORDINANCE NO. 3220**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 6.394 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS I&M ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of I&M Zone for 6.394 acres, NE ¼ Section 7, T 2N R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

**Fire Department**

**Subject: Jefferson County Ambulance Agreement**

For consideration is the annual Ambulance Service Agreement with Jefferson County. This amount reflects a six percent (6%) increase from last year. Traditionally, the City requests a three percent (3%) increase, however last year’s agreement did not have any increase due to a delay in approving the agreement after Jefferson County already set their budget.

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Councilmember Francis stated the contract agreements only include a portion of Jefferson and Bingham counties. He noted a typo in both agreements that ‘access’ should read ‘assess’.

It was moved by Councilmember Francis, seconded by Councilmember Dingman, to approve the ambulance contract with Jefferson County, with the corrected typo, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

**Subject: Bingham County Ambulance Agreement**

For consideration is the annual Ambulance Service Agreement with Bingham County. This amount reflects a three percent (3%) increase from last year.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to approve the ambulance contract with Bingham County, with the corrected typo, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

**Municipal Services**

**Subject: Resolution-Authorization to Execute the Washington National Group Life Annuity Policies**

Municipal Services is requesting authorization for the Mayor to execute the Washington National Surrender request forms for the return of monies in annuity group policies 12763 and 12764. Per the Resolution, the City signed an Affiliated Employers' Group Life Trust Joiner Agreement for retirement annuities when and as purchased upon the retirement of certain City employees. The City pre-funded payments in error without the intention of providing additional benefits or benefits to any City employees other than those identified in the original established annuity group policies 12763 and 12764.

Councilmember Smede stated this is a request to return monies into the annuity group policies as discussed at the September 24 City Council Work Session. The annuity plans were for Retired Lives Reserve (RLR). The returned funds will be placed in the City’s self-insurance fund.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Resolution authorizing the Mayor to execute the Washington National Surrender request forms for the return of monies in annuity group policies 12763 and 12764, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye - Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

**RESOLUTION NO. 2018-23**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE MAYOR TO EXECUTE WASHINGTON NATIONAL SURRENDER REQUEST FORMS FOR THE RETURN OF MONIES FROM POLICY NO. 12763 ANNUITY GROUP AND 12764 ANNUITY GROUP AND TO RECEIVE SUCH MONIES FOR AND ON BEHALF OF THE CITY; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

**Subject: Invitation for Bids, Idaho Falls Power Line Clearance Services**

It is the recommendation of Idaho Falls Power and the Municipal Services Department to accept the lowest responsive, responsible bid from Davey Tree Surgery Company for a total estimated lump sum cost of \$285,872. Funds to provide the line clearance services are budgeted in the 2018/2019 Electric Fund budget.

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Councilmember Smede stated this item was discussed at the September 27 IFP Board meeting. Tree maintenance only has been occurring for the previous several years following a comprehensive clearing of trees and limbs ten (10) years ago. The trees are beginning to overtake power lines and equipment, and electrical outages have increased due to the overgrown trees. Councilmember Smede stated IFP staff recommends accepting the base bid but not accepting the proposed alternative plans. IFP will need to complete the preventative tree trimming. Additional trimming plans will be adopted in the future.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to accept the lowest responsive, responsible bid from Davey Tree Surgery Company for Idaho Falls Power Line Clearance services. Roll call as follows: Aye – Radford, Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

## **Parks and Recreation**

### **Subject: Agreement for Professional Services Related to Comprehensive and Strategic Master Plan**

The Parks and Recreation (P&R) Department respectfully requests to enter into a Professional Services Agreement with Pros Consulting, Inc. for the purpose of developing a Comprehensive and Strategic Master Plan for the Idaho Falls parks system. The Parks and Recreation Commission chose Pros Consulting as the most qualified company to guide development and management of the City's parks, recreation programming, open space, trails, and facilities over the next 10 to 20 years.

Councilmember Dingman stated the City completed a Request for Qualifications (RFQ) process to develop a Comprehensive and Strategic Master Plan for the Idaho Falls park system. She briefly explained the RFQ process. Councilmember Dingman believes these are funds well spent.

To the response of Councilmembers Freeman and Radford, Parks and Recreation Superintendent PJ Holm appeared and explained the Commission of Accreditation for Parks and Recreation Agencies (CAPR) accreditation. He stated the Comprehensive and Strategic Master Plan was the number one recommendation made by the P&R CRC and is also the number one priority of the P&R Commission.

Councilmember Smede believes there are many people that advocate for the parks and recreation facilities. Councilmember Dingman believes the P&R system is an economic development tool. Councilman Radford believes there is due diligence in keeping the City parks beautiful. Councilmember Francis concurred with Councilmember Dingman regarding the responsibility of long-term planning.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the Professional Services Agreement with Pros Consulting, Inc. for the purpose of developing a Comprehensive and Strategic Master Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

### **Subject: Agreement for Professional Services Related to Idaho Falls Area Birds Book**

For consideration is an agreement with the Snake River Audubon Society of Eastern Idaho. The Audubon Society designed a pocket-sized spiral bound bird book which Parks & Recreation printed. The Parks and Recreation Department will sell these books from several of our division locations and at several book stores in the area to recoup printing expenses.

Councilmember Dingman stated this item was erroneously included on the agenda by the P&R staff. Mr. Fife indicated the agreement included in the packet was not the most recent version. Mayor Casper stated due to the amount of the agreement the agreement can be signed, per previous Council authorization, at the executive level.

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It was then moved by Councilmember Dingman, seconded by Councilmember Francis, to remove this item from the agenda. Roll call as follows: Aye – Smede, Dingman, Freeman, Francis. Nay – none. Abstain – Radford. Motion carried.

**Idaho Falls Power**

**Subject: Approve Asset Purchase Agreement with Rocky Mountain Power for Sandy Downs**

For consideration is an Asset Purchase Agreement with Rocky Mountain Power related to customer exchange of electrical service and assets at Sandy Downs. The total transfer and buyout cost is \$59,469. The property owner, City of Idaho Falls Parks & Recreation Department, will pay one-half of the non-asset transfer costs, which will be \$24,241.50. Idaho Falls Power will pay the other one-half, and all existing infrastructure assets.

Councilmember Freeman stated this asset purchase agreement will pay for itself in a short period of time due to lower power costs of IFP. This item was discussed at the September 27 IFP Board meeting.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Asset Purchase Agreement with Rocky Mountain Power for Sandy Downs and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Dingman, Smede, Francis, Freeman, Radford. Nay – none. Motion carried

**Subject: Approve Asset Purchase Agreement with Rocky Mountain Power on North Yellowstone**

For consideration is an Asset Purchase Agreement with Rocky Mountain Power related to customer exchange of electrical service and assets that include two commercial buildings (2295 & 2299 N Yellowstone Hwy), one mobile home park (2303 N Yellowstone Hwy Units #1-9), and one highway billboard (2435 N Yellowstone Hwy). The total buyout cost is \$31,934. The property owner, D. Ray Hult, will pay one-half of the non-asset buyout costs which is \$10,111.00. Idaho Falls Power will pay the remaining portion which includes asset-based infrastructure.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Asset Purchase Agreement with Rocky Mountain Power on North Yellowstone and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried

**Subject: Approve Joint Powers Agreement with UTOPIA**

For consideration is a Joint Powers Agreement (JPA) for the design and execution of the fiber pilot between the City of Idaho Falls and Utah Telecommunication Open Infrastructure Agency (UTOPIA). The purpose of the Agreement is to provide for the design and execution of a fiber pilot program in Idaho Falls.

Councilmember Radford stated fiber needs to be connected to each residence for a variety of reasons, including the metering system. This item has been discussed at previous IFP Board meetings. Councilmember Freeman stated UTOPIA has succeeded in bringing projects to fruition. Councilmember Radford stated this JPA will be part of a public/private partnership through infrastructure. Mayor Casper stated UTOPIA will design and manage open access.

It was moved by Councilmember Radford, seconded by Councilmember Dingman, to approve the Joint Powers Agreement with Utah Telecommunication Open Infrastructure Agency (UTOPIA) and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

**Subject: Resolution for Fiber Pilot Project**

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For consideration is a Resolution on the development of a fiber to the premise pilot project.

Councilmember Radford read the resolution in its entirety.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the Resolution on the development of a fiber to the premise pilot project, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

**RESOLUTION NO. 2018-24**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO DISCUSS HIGH-SPEED BROADBAND CONNECTIVITY; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

**Subject: Residential and Non-Residential Disconnect Policies**

For consideration are the Residential and Non-Residential disconnect policies that determine when and how customers are disconnected for non-payment. These policies are the result of collaboration between Municipal Services, Public Works and Idaho Falls Power. Staff believes these policy changes bring additional fairness and transparency to the process of collecting payment for electric service.

Councilmember Freeman stated the updated policy will allow consistency for all customers. This item has been discussed at previous IFP Board meetings.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Residential and Non-Residential Disconnect Policies. Roll call as follows: Aye – Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried

**Legal**

**Subject: Public Hearing – Updated Fee Schedule**

For consideration is a Resolution which will update animal control fees. The proposed changes are necessary to address the cost of providing animal control services.

Mayor Casper stated the animal control fees were transposed at time of the fee schedule public hearing in August, the law requires re-posting of fees.

Mayor Casper opened the public hearing. No one appeared. Mayor Casper closed the public hearing.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Resolution to update the noticed fees into the City's fee schedule, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

**RESOLUTION NO. 2018-25**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

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**Announcements and Adjournment:**

Mayor Casper reviewed upcoming events including the Farmers Market; Hoedown for Habitat for Humanity fundraiser; the Policeman's Ball fundraiser; and, the Idaho Falls Fire Department annual open house. She also stated the Council is interested in receiving feedback and input regarding the proposed cell phone ordinance. Mayor Casper recognized P&R Director Greg Weitzel as being selected to the Board of Directors for the National Recreation and Park Association as Chair of the Policy Committee.

There being no further business, the meeting adjourned at 8:33p.m.

s/ Kathy Hampton \_\_\_\_\_  
CITY CLERK

s/ Rebecca L. Noah Casper \_\_\_\_\_  
MAYOR